IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.427 OF 2005

Balu Trimbak Shinde. ... Petitioner
Versus.
Sau.Sinabai Balu Shinde. ... Respondent.

Shri Ameya Tamhane i/by Ms.Seema Sarnaik for the Petitioner.

Shri S.M.Sambrad for the Respondent No.1.

Shri A.S.Gadkari, A.P.P. for the State.

CORAM : ABHAY S. OKA, J.

DATED : 11th July, 2005.

P.C.:

1. Heard learned Counsel appearing for the parties. The Respondent No.1-wife filed an application under section 125 of the Code of Criminal Procedure, 1973, for grant of maintenance. The learned Judicial Magistrate First Class allowed the said Application and granted maintenance at the rate of Rs.300/- per month. A Revision Application was preferred by the Respondent No.1 before the Sessions Court. By the impugned Judgment and Order dated 15th January 2004 the learned Judge enhanced the maintenance to Rs.900/- per month which was made payable from the date of making the application.

2. The learned Counsel for the Petitioner submitted that the learned Additional Sessions Judge has not

considered the 7x12 extract which show that there was some land standing in the name of the Respondent. He submitted that the other relevant material was not considered by the learned Additional Sessions Judge.

3. I have considered the submissions. Before the learned Magistrate, the Petitioner did not dispute that he was working in Telephone Department. Though he agreed to produce salary certificate on record he failed to produce it and that is why the learned Additional Sessions Judge held that adverse inference was required to be drawn against the Petitioner. When the Petitioner is admittedly working in the Telephone Department no fault can be found with the monthly maintenance of Rs.900/- fixed by the learned Additional Sessions Judge. There is no merit in the petition. The same is rejected.

Judge.